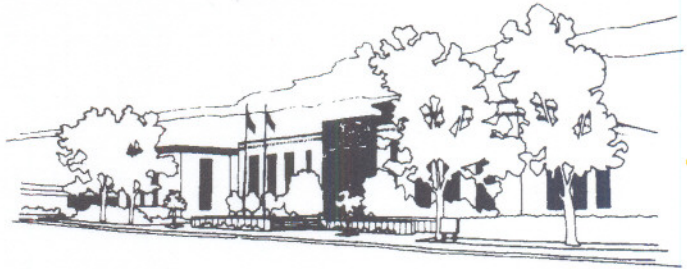


## City of San Leandro

Civic Center, 835 E. 14th Street  
San Leandro, California 94577

February 4, 2011



submitted electronically to:  
slouie@waterboards.ca.gov

Shin-Roei Lee, Chief  
Watershed Management Division  
California Regional Water Quality Control Board – San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland CA 94612

Subject: Response to Notice of Violation for Failure to Implement an Adequate Municipal Stormwater Program Pursuant to NPDES Permit Nos. CAS 0029831 and CAS612008, CIWQS Place ID 241759 (STL)

Dear Ms. Lee:

The City of San Leandro takes receipt of a Notice of Violation (NOV) very seriously. While the City appreciates oversight and feedback, including required corrective actions of its programs, this is the first time an inspection report has been received in the form of a NOV. Complying with the myriad of continually expanding federally and state- mandated regulatory programs has grown from challenging to extremely burdensome. Local agencies used to be soundly positioned to provide the technical assistance and regulatory oversight needed by the local community. With the impacts of this historic recession on the City, which included drastic cuts to balance revenues and expenditures and consolidation to streamline operations, the City is struggling to simply provide core services. . Any new requirements by the state can only be met by reallocating resources from other programs. With this in mind, the following responses and time schedules address the alleged violations and required actions cited in the above-referenced Notice.

### ***Section 2.1 Industrial and Commercial Site Controls***

***Violation #1:*** *The City failed to update its Business Inspection Plan (Plan) to fully meet the new requirements of the MRP. The Plan does not categorize the commercial and industrial sites by pollutant threats and inspection frequency, describe the process for prioritizing inspection frequencies, describe the mechanism to include newly opened businesses that warrant inspection, or describe the mechanism to remove closed facilities from the list.*

***Required Action #1:*** *The City shall update its Plan to meet the requirements of §C.4.b. of the MRP. As part of the update, the City shall evaluate and make necessary updates/changes to the way new/expanding/moving/closing/renovating businesses get captured and integrated into the Plan for inspections, clean up, and storm water quality education. This must include better coordination with other City departments such as finance, building, water, and sewage. The City may also need to change the way it issues business licenses, conducts building inspections, and requires visibility of street address/suites on buildings in order to be able to update their Plan in a timely manner.*

***Response to Required Action #1:*** The City has a comprehensive, integrated, and well-developed program for identifying new and changed businesses. The Environmental Services Section (ESS) receives a list of new and reissued business licenses on a quarterly basis, is incorporated into the routing and approval of zoning and building permit applications, performs field surveys of the

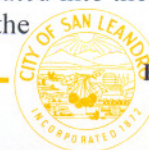
Stephen H. Cassidy, Mayor

City Council:

Pauline Russo Cutter  
Ursula Reed

Michael J. Gregory  
Diana M. Souza

Jim Prola  
Joyce R. Starosciak



industrial/commercial sector, reviews City Council agenda packets to identify new development, and monitors State databases, such as DTSC's Hazardous Waste Tracking System, to identify businesses operating in San Leandro. In addition, in February 2009, the City established an Industrial Program in partnership with the Chamber of Commerce to provide additional outreach to the industrial sector. There will always be the errant commercial landlord willing to rent in order to fill a vacancy or a business owner who will even go so far as to purchase property without going through the clearly defined process to legally do business within the City. The Finance Department spearheads actively searching for these businesses. The methods employed by both City staff and its contact service specializing in this field, includes coordination with utility service providers such as water, solid waste disposal, power and communications. Web based information such as property transfers, state and county business registrations and business phone directories are also utilized. Once an illegitimately operating business is brought into the business license approval process all the other identification, review and approval processes across City Departments and programs will occur.

Even with this significant effort, not all unlawful businesses may be caught in this dragnet. Therefore additional measures utilizing "eyes in the field" are employed by all the various field inspection staff of Building, Engineering, Fire and ESS to identify unpermitted businesses. A tertiary level especially designed for the stormwater program incorporates the illicit discharge screening program and collection systems maintenance activities to indentify impacts which can also lead to identification of new businesses or changed operations.

As ESS implements not only the stormwater programs for the City but also the industrial pretreatment, hazardous materials, hazardous waste, tiered permitting, accidental release prevention, underground storage tank, aboveground storage tank, closed landfill management, contaminated sites, and pollution prevention programs for the City, ESS maintains a significant presence in the industrial/commercial community.

The City will amend its Business License Application to include information on whether a proposed business will have outdoor storage or activities to trigger review and approval by ESS to improve identifying potential stormwater impacting businesses.

Closure inspections for facility within any of the ESS regulatory programs are a standard procedure. In most cases when a facility provides pre-planned notification it results in two closure inspections. The initial inspection identifies for the facility what actions must be completed and provides documentation needed to close the facility. Then a final inspection is performed to verify completion, collect documentation and close out programs. While most regulated businesses recognize and plan for facility closure; past instances of business dysfunction have led to additional procedures. If the business can still be contacted and they have legal access to the facility, a closure inspection will be completed in their presence. Regardless of whether the business can or will return to the facility, ESS will hold the current property owner responsible for providing access for a closure inspection and for any remaining issues left by the former business.

**Time Schedule for Required Action #1:** The City will update its Inspection Plan and more fully document these activities in its next scheduled Alameda Countywide Clean Water Program (ACCWP) deliverables. The amendment will be completed within 60 days.

**Violation #2:** *The City failed to prepare a plan and inspect restaurants and food handling facilities.*

**Required Action #2:** *The City shall establish a priority to inspect restaurants and food handling facilities in its Business Inspection Plan.*

**Response to Required Action #2:** In 2003, ESS developed outreach materials for food service establishments (FSEs). Over the course of a two year targeted program, ESS inspected and provided outreach to 134 FSEs. Facilities requiring follow up received additional training and re-inspections. As part of this program, ESS coordinated with the City's collection system section to identify areas and facilities of concern and developed an integrated referral mechanism that remains in place and is effective in identifying stormwater issues at FSEs. ESS meets with collection system staff on a weekly basis to maintain this high level of coordination. In addition, all building permits for new and remodeled FSEs are routed to ESS for review and inspection. ESS incorporates its outreach program into this process. In addition, the City coordinates closely with Alameda County Environmental Health's Restaurant Inspection Program for both referrals and joint inspections, as the restaurant inspection program also covers outdoor storage and activities. The City believes this to be an effective and economical alternative model to mass inspections on what is already a heavily regulated sector of the community.

**Time Schedule for Required Action #2:** The City will include this information in its Business Inspection Plan and provide it in the next scheduled ACCWP deliverables.

#### **Findings and Observations**

*c. Inspection Form Use and Handling.* The findings reported in this item are inaccurate. ESS staff uses a variety of pre-printed forms for assisting with multi-media/program inspections in conjunction with hand written field notes. These include program specific forms such as the stormwater, underground storage tank and pretreatment inspection forms, the multi-program inspection form with standardized HMBP, hazardous waste and fire code violation check off boxes for the most common minor violations and free form descriptive area. Both hand completed inspection forms and field notes are transcribed into a FileMaker database, a complete report is printed from the database, and the hardcopy report is mailed to the facility and filed in program specific files. Filing relevant reports into program specific facility files often requires double filing as in the case of an inspection report cover letter summarizing findings across programs inspected or multi-program inspection forms.

*d. Issuing Minor Violations with Onsite Inspection Reports.* The multi-program inspection form has been adapted for use to notify facilities of stormwater-related violations. This form is used to provide initial notice to a facility of a stormwater violation because it is designed to be left onsite at a facility following an inspection, provides for immediate written notification that a corrective action is required within a written time frame and per the Water Board recommendation allows for self certification within MRP goal of before the next rain but not later than a 10 business day time frame. The correction timeframe on the form is blank and filled in by the inspector onsite depending on the regulatory standard; 30 days for waste, 15 working days for pretreatment, 10 business days for MRP, etc.

**Recommended Action #1:** *The City should develop a way to distinguish stormwater violations when using the Inspection Form for hazardous waste inspections. In doing so, the form will be less likely to get misfiled in the hazardous waste section of the folder and get the necessary follow up.*

**Response to Recommended Action #1:** City supervisory staff was in error regarding the violation documentation filed and apologize for the resulting inaccurate conclusion drawn by Board staff. The original copy of the multi-program inspection form was appropriately filed in the CUPA program file as found during the Water Board inspection. Additionally, the City inspector had filed a copy of the original hand written form within the stormwater file. The inspector also filed the signed-off self certification copy of the inspection report received back from the facility, as proof that the clean up and abatement activity

was completed, along with the response letter detailing further capital expenditure for permanent long-term resolution. The initial copy in the stormwater file was purged once the certification copy was returned to reduce duplication of data and manage file size and this was not conveyed to Water Board staff.

Stormwater violations are described in a narrative section on the form. When the inspection and its attendant violation are entered into the FileMaker database, the database generates a new scheduled inspection (indicated on the inspector's schedule as a "violation" inspection) for each violation and tracks the type of violation; e.g., stormwater. The required violation inspection will not be cleared from the inspection schedule until a violation follow up inspection report has been entered into the database verifying that corrections have been completed. All inspection schedules are generated by the database, so even in the event that a hardcopy report requiring follow up is misfiled, the required follow up inspection will appear on the inspector's inspection schedule until corrected.

### Findings and Observations

- e. For 2007/2008, the City conducted 305 business inspections and took nine enforcement actions. For 2008/2009, the City conducted 340 business inspections and took eight enforcement actions.*
- f. Both the City's Industrial and Commercial Business Inspection Workplan Fiscal Year 2004/05 and the City's Annual Business Inspection Work Plan and Updates to Five-Year Plans for 2009/10 state that facilities falling into the Stormwater/NOI, Pretreatment, Underground Tank, Hazardous Waste LQG, and HMBP Target LQS programs are inspected annually. Facilities falling into the HMBP Non-Target SQS, Hazardous Waste SQG/CESQG/UW handler, Above Ground Storage Tank, California Accidental Release, Tiered Permitting and Pollution Prevention programs are inspected biennially.*
- g. Regional Water Board staff reviewed files for the following facilities: Metro Poly Corp., Otis Spunkmeyer, Unipoly, and USF Reddaway. Of these businesses, the City took an enforcement action against Otis Spunkmeyer for the discharge of muffin plant wastewater into the storm drain.*
- i. Metro Poly Corp., categorized as HMBP Non-Target SQS and Hazardous Waste SQG/CESQG/UW handler, triggers biennial inspections. Based on the file review, Metro Poly Corp. was inspected in October 2003, December 2004, December 2007, December 2009, and three times in 2010. The City reprioritized Metro Poly Corp. for annual inspections in December 2009 after State Board and Regional Water Board staff found significant amounts of pre-production plastic pellet debris outdoors throughout its property and in the immediate vicinity of the property during their October 27, 2009, inspection. (See Notice of Violation in Attachment A.)*
- ii. Otis Spunkmeyer is a Stormwater/NOI facility and therefore triggers annual inspections. Regional Water Board staff only focused on Otis Spunkmeyer July 22, 2009's illicit discharge into the storm drain, and subsequent actions and inspections as it relates to this illicit discharge. Water Board staff did not review any other inspection records for this facility.*
- iii. Unipoly, categorized as HMBP Non-Target SQS, Hazardous Waste SQG/CESQG/UW handler, triggers biennial inspections. Based on the file review, Unipoly was inspected in August 2005, October 2006, October 2009, and February 2010. State Board and Regional Water Board staff found significant amounts of pre-production plastic pellet debris outdoors throughout the facility by during their January 13, 2010, inspection. (See Notice of Violation in Attachment B.)*
- iv. USF Reddaway, with its Underground Tank and Pretreatment Programs, triggers annual inspection. Based on the file review, USF Reddaway was not inspected in 2005 or 2009.*

**Violation #3:** *The City failed to adhere to its Inspection Workplan specified in its SWQMP, which was incorporated as part of the previous permit.*

**Required Action #3:** *The City shall ensure that it adheres to the business inspection frequency that will be specified in its Industrial and Commercial Business Inspection Plan required in the MRP.*



**Response to Required Action #3:** In the 08/09 reporting period the ESS took, across all regulatory programs, 94 enforcement actions. The inspection frequencies assigned in the Plan exceed regulatory requirements and are coming close to outstripping the City's resources as a result of the delegation of several additional programs and expansion of existing ones in recent years. In spite of this, the City has continued to commit to its aggressive inspection frequencies. All five active PPP handling facilities have been reprioritized to current plan requirements with additional follow-up inspections performed in 2010 to monitor and oversee cleanup & abatement activities. In addition, City staff issued three clean and abatement orders for three former PPP legacy sites and oversaw the cleanup of those sites with guidance from the State Water Board staff. USF Reddaway inspections were performed as scheduled and documented in the database. Inspection reports have been retrieved from the database. (See attachments). The City will review the inspection frequencies in its Plan to ensure that not less than minimum required frequencies are maintained. This may result in reduced inspection frequencies for a number of programs and curtailment of other outreach activities.

**Time Schedule for Required Action #3:** The City will review the inspection frequencies in its Plan within the next 60 days and revise as necessary.

**Required Action #4:** *The City shall elevate all businesses cited for stormwater violations by State or Regional Water Board to a higher inspection frequency and shall indicate this frequency in its Business Inspection Plan and ERP.*

**Response to Required Action #4:** The ERP and Business Inspection Plans will be revised to reflect this requirement.

**Time Schedule for Required Action #4:** The revised ERP will be submitted to the Regional Board within 60 days. The revised Business Inspection Plan will be included in the next scheduled ACCWP deliverables.

**Recommended Action #2:** *To aid in the scheduling of inspections, the City should use its database to help compile its monthly and annual inspection lists.*

**Response to Recommended Action #2:** This is the City's current practice.

**Violation #4:** *The City failed to identify schedules for correcting problems and verifying that corrective actions have taken place as stated in the City's SWQMP and required in the MRP.*

▪ *An Otis Spunkmeyer violation response in August 2009 did not include timeframes for correction and the City has yet to follow up with the business to ensure the permanent corrective action has taken place.*

▪ *The City failed to follow up on the violations found during the March 16, 2010 inspections at Coca-Cola Bottling Company and Peterson Power Systems.*

**Required Action #5:** *The City must ensure that all sites with violations implement corrective actions in a timely manner and the City must revise its ERP to direct (1) immediate implementation of BMPs to eliminate illicit discharges from entering storm drains or water bodies; (2) verification of clean up and corrective actions within the goal period; (3) escalation of enforcement for noncompliance and for patterns of noncompliance; and (4) requirements for corrective actions to reduce future noncompliance.*

**Response to Required Action #5:** As of this writing, an ESS inspector has been to the Otis facility no fewer than 8 times since the August 2009 violation. The sugar deposits on the silo were abated and the

temporary increased housekeeping measures were implemented to control fugitive sugar mist during silo filling. Finally, the capital expenditure was approved and the vent bag system replaced as committed by the facility in the violation response. No violation follow up was pursued with the Coca-Cola facility resulting from the March 16, 2010 inspection as no violation was cited (see Response #7). As of this writing, an ESS inspector has performed 3 facility inspections and made 21 additional site visits at Coca-Cola since the 3/16/10 inspection. No violation follow up was pursued with Peterson Power Systems resulting from the March 16, 2010 inspection as no NOV was issued (see Response #7). As of this writing, an ESS inspector has performed a facility inspection and a site visit since the 3/16/10 inspection. The City will endeavor to more fully document its violation follow up timeframes and actions.

**Required Action #6:** *The City shall provide screen shots of its database to show that it has all the required recordkeeping fields as required in C.4.b.ii.(6) and C.4.c.ii.(4) of the MRP.*

**Response to Required Action #6:** See attached.

**Violation #5:** *The City failed to maintain accurate records for facilities inspected.*

*At the Coca-Cola 3/16/10 inspection, a portable double containment pallet had two containers on it and the containment was full of liquid and exposed to the elements. The inspector told the business to take care of the liquid in the containment and move it to a covered area. The inspection report does not mention this violation and there is no record of correction.*

*At Peterson Power Systems, fresh oil was on the ground in two areas. The inspector asked the business to take care of the oil and the violations were recorded in the inspection report. There is no record that the violations were corrected.*

*No inspection records were generated for L-3 Pulse Sciences and US Ink for the 3/16/10 inspections. The City issued Otis Spunkmeyer an inspection report requiring a correction plan. This report was not in the database or hard copy file. Otis Spunkmeyer attached the signed report to its response and that was how it got into the file.*

**Required Action #7:** *The City must maintain accurate records for every inspection and it shall ensure that its database and/or hard copy files accurately reflect the latest status of each site.*

**Response to Required Action #7:**

No stormwater violation occurred at the Coca-Cola inspection. The containers noted in alleged Violation #5 were empty, clean, closed consumer-sized product containers. The containment pallet and the two containers had been temporarily moved from their indoor location during recent housekeeping activities. A rain event had taken place just prior to the 3/16/10 inspection and the containment held uncontaminated rainwater with no visible sheen or any evidence of contamination.

At the Peterson Power Systems inspection of 3/16/10, de minimis staining from fugitive equipment drips were noted. Given the minimal nature of the condition and the facility's long history of excellent compliance and responsiveness, no violation was issued. An NOV was not issued and no additional documentation was required.

The 3/16/10 events at L-3 Pulse Sciences and US Ink were logged as site visits and designated other in the database. The activities covered in the site visits did not constitute complete inspections. Subsequently, full multi-program routine inspections were completed on 1/4/11 and 10/20/10 for the respective facilities as scheduled in the 2010/11 Plan.

The inspection report issued to Otis Spunkmeyer with required corrections clearly states both a timeframe for correction and that return of a signed copy of the inspection report is required following correction. This procedure ensures that a copy of the inspection report is maintained in the facility hardcopy file. The presence of the signed inspection report in the file confirms that the procedure is effective and that accurate and complete files are maintained.

**Required Action #8:** *The City shall revise its Business Inspection Plan and ERP to include a mechanism for assigning a higher priority to and increasing the inspection frequency of any facility enforced against by the City or State/Regional Board. The City shall elevate all businesses cited for “threatened violations” and “minor violations” to a higher inspection frequency and shall state what the higher frequency will be in its Business Inspection Plan and ERP. Any facility cited must become a higher priority until the subsequent inspection (reinspection to verify compliance) when it is found to be in complete compliance and have no violations.*

**Response to Required Action #8:** The Business Inspection Plan and ERP will be revised to reflect these requirements.

**Time Schedule for Required Action #8:** The revised Business Inspection Plan will be submitted with the next scheduled ACCWP deliverables and the revised ERP will be submitted to the Regional Board within 60 days.

**Required Action #9:** *The City shall revise its ERP to replace a Verbal Warning with at least a Written Warning for all “threatened violations”.*

**Response to Required Action #9:** The ERP will be revised to reflect this requirement.

**Time Schedule for Required Action #9:** A revised ERP will be submitted to the Regional Board within 60 days.

**Required Action #10:** *The City shall reserve its lowest enforcement level for violations it has not seen and/or reasonably and quickly verify that violations have occurred.*

**Response to Required Action #10:** Required Action #10 does not represent a change from current procedure, therefore no action is necessary

**Required Action #11:** *The City’s ERP shall distinguish the difference between noncompliance and violation.*

**Response to Required Action #11:** The ERP will be revised to reflect this requirement.

**Time Schedule for Required Action #11:** A revised ERP will be submitted to the Regional Board within 60 days.

**Required Action #12:** *Should the City choose to keep both noncompliance and violation as terms in its ERP, it shall define the terms and report in its Annual Reports both noncompliant facilities and facilities in violation.*

**Response to Required Action #12:** The ERP will be updated to clarify the distinction between enforceable violations, actual or threatened, and suboptimal site conditions that elicit recommended changes to improve practices that may lead to violations but do not rise to the level of violation, which entails required actions. Changes that are implemented as a result of adopting recommended measures

preclude a condition of violation and, in the case of isolated instances, are outside of the scope of reportable enforcement, which would be unwarranted and unduly burdensome. These conditions do not rise to the level of violation until such time that they are chronic in nature or create a threatened or actual violation.

**Time Schedule for Required Action #12:** All reportable enforcement will be included in the next and in all subsequent annual reports.

**Required Action #13:** *The City shall provide its staff training on the new ERP and other sections of Provision C.4., including the 10 business day return to compliance and record keeping.*

**Response to Required Action #13:** The City will provide training on the new ERP and its revisions and other sections of Provision C.4., including the return to compliance protocol and record keeping.

**Time Schedule for Required Action #13:** Training will be completed not more than 60 days after revision and approval of the new ERP.

**Recommended Action #3:** *The City should rotate its business inspectors periodically to get new eyes looking at the businesses.*

**Response to Recommended Action #3:** The most recent significant redistribution of assigned facilities occurred in 2006. Due to the complexity resulting from the number of regulatory programs administered by ESS, the inefficiencies resulting from a system of periodic rotation can outweigh the benefit. Consistency is ensured by regular training in all program areas for all inspection. The City will develop a method of periodic facility rotation.

## ***Section 2.2 Illicit Discharge and Elimination***

**Required Action #14:** *The City shall also implement Required Actions #5 and #9 – 12 from Section 2.1 for its Illicit Discharge Detection and Elimination Program.*

**Response to Required Action #14:** The City will implement the noted required actions into its Illicit Discharge Program.

**Time Schedule for Required Action #14:** Any necessary updates will be implemented with 60 days.

## ***Section 2.3 Construction Site Control***

**Required Action #15:** *The City shall identify which position has the authority to issue each level of enforcement action. The ERP states that the engineering inspector has the authority to issue Verbal Warnings. None of the other enforcement levels identify which staff has the authority to issue them.*

**Response to Required Action #15:** The Action listed at each response level has been assigned to a position.



**Time Schedule for Required Action #15:** The Construction Site Control ERP has been revised and is attached.

**Required Action #16:** *The City shall identify additional field scenarios for each enforcement level and include the structure for progressively stricter responses. The examples on page 3 of the City's Construction Site Control ERP are inadequate to cover a variety of field scenarios. The structure for progressively stricter responses shall include timeframes.*

**Response to Required Action #16:** The table of Enforcement Actions has been revised to include more examples, direction on when to take action, and time frames.

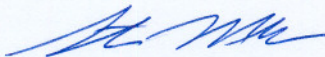
**Time Schedule for Required Action #16:** The Construction Site Control ERP has been revised and is attached

**Recommended Action #4:** The City should consider making a flow chart for its C.6. ERP that is similar to its flow chart for its C.4. and C.5. ERP.

**Response to Recommended Action #4:** Actions listed in the revised Enforcement Action table are linear; we expect staff will be able to follow the procedure without a flow chart.

If you have any questions, please call John Camp, Environmental Services Supervisor at (510) 577-6029.

Sincerely,



Stephen L. Hollister  
City Manager

Enclosures

cc: Greg Gearheart, State Water Resources Control Board

# Attachments

# Alameda Countywide Clean Water Program Standard Stormwater Facility Inspection Form

Municipality: San Leandro  
Date: 12/21/05  
Inspector: Denis  
Facility has closed or info has changed ☐

<b>Facility Name</b> USF Reddaway <b>and address:</b> 2375 Polvorosa Av San Leandro, CA 94577	<b>Contact:</b> Richard <b>Phone:</b> 351-1910 <b>SIC Code:</b> 4212	<b>Insp. Type:</b> Routine Inspection <b>Business Type:</b> Trucking						
<b>Other Applicable Programs:</b> <input checked="" type="checkbox"/> Air Quality <input checked="" type="checkbox"/> HMBP <input checked="" type="checkbox"/> UST <input checked="" type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Retail Food Facility <input checked="" type="checkbox"/> Fire Dept. <input checked="" type="checkbox"/> Haz Waste Generator <input type="checkbox"/> AST <input checked="" type="checkbox"/> Others <u>CHP</u> <u>A. TRUCKING</u>								
<b>Is the facility covered under a storm water permit?</b> <input type="checkbox"/> Does not need coverage <input type="checkbox"/> Individual    Facility has an SWPPP: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, but may need to be (Refer to Regional Board) <input checked="" type="checkbox"/> General <input type="checkbox"/> No								
<small>N/A = Not Applicable (blank = N/A, checked = A), PTNTL = Potential for Pollutant Discharge; 1 = low; 2 = medium; 3 = high;          9 = unknown; ACTUAL Discharge Type: BMP: 0 = Effective; 1 = fairly/almost effective; 2 = not effective;          3 = no BMPs impemented; 9 = unknown; PEX = Pollutant Exposure, NSW = Non-Stormwater Discharge</small>								
<b>AREAS OF ACTIVITY</b>	<b>N/A</b>	<b>PTNL</b>	<b>Actual</b>	<b>BMP</b>	<b>PEX</b>	<b>NSW</b>	<b>Remarks</b>	<b>Required Corrective Action</b>
A. Outdoor Processes/Manufacturing Areas	<input type="checkbox"/>	2	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fuel island passed all monitoring requirements other than overfill bucket was -	<input type="checkbox"/>
B. Outdoor Material Storage Areas	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tires, batteries, and various other items are stored outside next to their -	<input type="checkbox"/>
C. Outdoor Waste Storage/Disp. Areas	<input type="checkbox"/>	1	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No change in trash bin storage, half under awning while other half is exposed.	<input type="checkbox"/>
D. Outdoor Veh/Hvy. Eq. Storage, Maint.	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Almost all work is done indoors. They still do some minor repair work outside.	<input type="checkbox"/>
E. Outdoor Parking Area Access & Roads	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The outside parking lot looked good with no spills and very light staining. The	<input type="checkbox"/>
F. Outdoor Wash Areas	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
G. Rooftop Equipment Areas	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
H. Outdoor Drainage from Indoor Areas	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
I. Other (Describe	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<b>Additional Comments/Remarks:</b> <b>Maintenance required in Storm Drain System?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (A) was cracked and needs replacing. The loading dock area and the grounds were not as neat as in the past. (B) maintenance building. This area has an awning over it and walls on the north, east, and south sides. Storage is excellent in this area with no storm water exposure. They also have a large number of trailers and dollies setting outside. (E) main lot serves the LTL terminal. This lot also looks very good. All SDIs looked relatively clean, although, not as clean as in the past.								
<b>Reinspection Priority</b> <input checked="" type="checkbox"/> First <input type="checkbox"/> Second <input type="checkbox"/> Third	<b>Enforcement:</b> <input type="checkbox"/> Verbal Notice <input type="checkbox"/> Informal Violation <input type="checkbox"/> Administrative Action <input type="checkbox"/> Warning Notice <input type="checkbox"/> Formal Violation <input type="checkbox"/> Administrative Penalty <input type="checkbox"/> Legal Action		<b>BMP Brochures Dist</b> <b>BMP Brochures Desc:</b>					

City of San Leandro  
*Environmental Services Division*  
 835 East 14<sup>th</sup> Street, San Leandro, CA 94577, (510) 577-3401  
**INSPECTION REPORT**

<b>Date:</b> 12/21/05	<b>Time:</b>	<b>Inspector:</b> Denis
<b>Business Name:</b> USF Reddaway		
<b>Contact:</b> Richard Whitacre		<b>Title:</b> Shop Manager
<b>Business Address:</b> 2375 Polvorosa Av		<b>Phone:</b> 351-1910

**Reason for Inspection:** Annual

**Class:** B

Inspected Manufacturing Facilities:	N/A	Copies of all MSDS on file:	Yes
Inspected Process Used:	Yes	Inspected Spill Prevention Procedures:	Yes
Inspected Pretreatment Facilities:	Yes	Self Monitoring Procedures:	Yes
Inspected Substances Discharged:	Yes	Inspected Laboratory Procedures:	No
Inspected Chemical Storage:	Yes	Follow-Up Required:	No
Drainage:	Yes	Enforcement:	N/A
Inspected Waste Manifest:	Yes	Slug Control Plan Evaluated	Yes

**Inspection Notes:**

**12/21/05:**

From the inspection letter:

- (1) The diesel spill bucket was cracked and therefore not tested. The spill bucket must be liquid tight so that it can capture minor spills resulting from fuel deliveries. This spill bucket needs to be replaced. The contractor that you choose must submit an Underground Storage Tank Installation and Repair Application/Permit to this office prior to work so that we can ensure that the proper spill bucket is installed correctly and that it is liquid tight.
- (2) The used oil sump sensor LS-3A was not operational. This needs to be replaced as soon as possible. The technician from your Designated Operator should be able to make this replacement during this month's inspection.
- (3) The last UST Certification of Financial Responsibility form sent to this office was on November 9, 2004. A current UST Certification of Financial Responsibility form must be sent to this office annually. I have enclosed a blank form with this letter. I can also e-mail you this file so you can save a copy on your computer and then easily generate a new updated copy for future annual submissions.
- (4) I could not find a current Chief Financial Officer letter in your file. This letter documents that your facility will be able to cover the deductible listed on the Financial Responsibility form. This is also a required annual submission. I have enclosed a copy of the Chief Financial Officer letter with this letter, and I can also e-mail this form to you as well.

Housekeeping looked good throughout, especially next to the maintenance shop. All items were being stored in racks above the ground and were protected from storm water exposure. The areas near the northern fence were somewhat messier than in the past, but they were still relatively clean. All SDIs looked good with little debris or trash.

The area near the oil/water interceptor looked very clean. A sample was taken on September 27, 2005. The water was fairly dark, but there didn't appear to be much oil floating on the top. One of the mechanics was concerned at the time about whether it would pass the analysis, but the sample came back well within discharge limits.

No other violations were observed.

**2/22/06:**

Shirley Environmental Testing did a secondary containment test on this day that confirmed that diesel spill bucket was leaking. All other test were ok. Letter sent to industry on 4/5/06 requiring spill bucket replacement and financial responsibility paperwork.

**4/24/06:**

Financial responsibility paperwork received.

**6/15/06:**

Diesel spill bucket replaced and passed final.



# Alameda Countywide Clean Water Program Standard Stormwater Facility Inspection Form

Municipality: San Leandro  
Date: 8/26/09  
Inspector: Denis  
Facility has closed or info has changed ☐

Facility Name USF Reddaway and address: 2375 Polvorosa Av San Leandro, CA 94577	Contact: Richard Phone: 351-1910 SIC Code: 4212	Insp. Type: Routine Inspection Business Trucking Type:
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## Other Applicable Programs:

☒ Air Quality    ☒ HMBP    ☒ UST    ☒ Sanitary Sewer    ☐ Retail Food Facility  
☒ Fire Dept.    ☒ Haz Waste Generator    ☐ AST    ☒ Others CHP    **A. TRUCKING**

## Is the facility covered under a storm water permit?

☐ Does not need coverage    ☐ Individual    Facility has an SWPPP: ☒ Yes  
☐ No, but may need to be (Refer to Regional Board)    ☒ General    ☐ No

N/A = Not Applicable (blank = N/A, checked = A), PTNTL = Potential for Pollutant Discharge; 1 = low; 2 = medium; 3 = high;  
 9 = unknown; ACTUAL Discharge Type: BMP: 0 = Effective; 1 = fairly/almost effective; 2 = not effective;  
 3 = no BMPs implemented; 9 = unknown; PEX = Pollutant Exposure, NSW = Non-Stormwater Discharge

AREAS OF ACTIVITY	N/A	PTNL	Actual			Remarks	Required Corrective Action
			BMP	PEX	NSW		
A. Outdoor Processes/Manufacturing Areas	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	UST monitoring cert went well with no violations. No changes to LTL -	<input type="checkbox"/>
B. Outdoor Material Storage Areas	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	On site material remains about the same. There are a large number of trucks.	<input type="checkbox"/>
C. Outdoor Waste Storage/Disp. Areas	<input type="checkbox"/>	2	1	<input type="checkbox"/>	<input type="checkbox"/>	The garbage and metal bins were clean, but they were uncovered. There was	<input type="checkbox"/>
D. Outdoor Veh/Hvy. Eq. Storage, Maint.	<input type="checkbox"/>	2	1	<input type="checkbox"/>	<input type="checkbox"/>	No changes. Most repair work is done inside, but some minor work is still -	<input type="checkbox"/>
E. Outdoor Parking Area Access & Roads	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	All parking areas except for the two spill areas looked very clean. All SDIs -	<input type="checkbox"/>
F. Outdoor Wash Areas	<input type="checkbox"/>	2	0	<input type="checkbox"/>	<input type="checkbox"/>	No changes.	<input type="checkbox"/>
G. Rooftop Equipment Areas	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
H. Outdoor Drainage from Indoor Areas	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
I. Other (Describe	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

## Additional Comments/Remarks:

Maintenance required in Storm Drain System? ☐ Yes ☒ No

(A) operations.  
 (B) trailers, and other equipment throughout the site. The repair shop has an area that they use for tires and other heavy equipment repair material. This material is under an awning and has little storm water potential.  
 (C) a chemical spill the day before the inspection that was cleaned up out on the street and in front of the garbage bin. There was no spill material remaining, but there was an absorbent stain in both clean up areas.  
 (D) done outside.  
 (E) were about average for cleanliness and debris for this time of the year.

The chemical spill was handled promptly and correctly. They ensured that the nearest SDIs were safe before doing anything else. The damaged drum was overpacked into an 85-gallon poly overpack drum and the used absorbent was drummed in an open top poly drum. There was no significant remaining hazardous material staining remaining.

<b>Reinspection Priority</b> <input checked="" type="checkbox"/> First <input type="checkbox"/> Second <input type="checkbox"/> Third	<b>Enforcement:</b> <input type="checkbox"/> Verbal Notice <input type="checkbox"/> Warning Notice <input type="checkbox"/> Informal Violation <input type="checkbox"/> Formal Violation <input type="checkbox"/> Legal Action <input type="checkbox"/> Administrative Action <input type="checkbox"/> Administrative Penalty	<b>BMP Brochures Dist</b> <b>BMP Brochures Desc:</b>
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City of San Leandro  
 Environmental Services Division  
 835 East 14<sup>th</sup> Street, San Leandro, CA 94577, (510) 577-3401  
**INSPECTION REPORT**

<b>Date:</b> 8/26/09	<b>Time:</b>	<b>Inspector:</b> Denis
<b>Business Name:</b> USF Reddaway		
<b>Contact:</b> Richard Whitacre	<b>Title:</b> Shop Manager	
<b>Business Address:</b> 2375 Polvorosa Av	<b>Phone:</b> 351-1910	

**Reason for Inspection:** Annual

**Class:** B

Inspected Manufacturing Facilities:	N/A	Copies of all MSDS on file:	Yes
Inspected Process Used:	Yes	Inspected Spill Prevention Procedures:	Yes
Inspected Pretreatment Facilities:	Yes	Self Monitoring Procedures:	Yes
Inspected Substances Discharged:	Yes	Inspected Laboratory Procedures:	No
Inspected Chemical Storage:	Yes	Follow-Up Required:	No
Drainage:	Yes	Enforcement:	N/A
Inspected Waste Manifest:	Yes	Slug Control Plan Evaluated	Yes

**Inspection Notes:**

This was USF Reddaway's annual CUPA, pretreatment, and storm water inspection.

One of USF Reddaway's trucks had a spill incident with a drum filled with a sulfuric acid and hydrofluoric acid mixture the day before the inspection (8/25/09). It was reported to CEMA and the Alameda County Fire Department. They had a contractor on site to quickly contain and clean up the spill. Before doing any clean up work, they first ensured that they protected the storm drain; no spillage came near the storm drain system. The spill was initially on the street in front of the facility, but they then drove the vehicle on site to finish the clean up. They estimate that they spilled about fifteen gallons of liquid. The spill happened when a pallet holding the drum moved while in transit and crashed into another pallet with a pallet jack in it. The pallet jack then caused a small cut in the poly drum. The driver said he thought the incident occurred at the corner at the eastern end of Polvorosa Avenue and Doolittle Drive. The split drum was overpacked into a poly 85-gallon salvage drum and the absorbent was placed into a 55-gallon open top poly drum. Both drums were placed into the facility's hazardous waste accumulation area and will be picked up during their next scheduled hazardous waste pickup. Both the street and inside cleanup areas appeared to be cleaned about as well as possible. There was still some clay residual/staining on the ground in both of these areas, but there were no free liquids and little possibility of further cleanup. There was some small staining on the street between the two cleanup areas, but once again there were no free liquids and little possibility of further cleanup.

The monitoring system certification went well with no violations. The UST technician told me he had a hard time getting the UST monitor to print out the alarm history and the set up. I spoke to the terminal manager about the need to one day replace the UST monitor. All sumps and the UDC were dry. All spill buckets were tight, and all monitoring equipment tested OK.

(1) The HMBP was up to date. (2) They collect their storm water samples and Blymer submits their storm water annual report to the State. (3) Housekeeping was about the same; generally very good. They continue to cleanup spills as soon as they occur and do daily sweepings. (4) There have been no changes in their interceptor (pretreatment unit).

Water: Utility	Industrial Waste Discharged: Yes
Water Metering: Water	Hazardous Materials: Yes
Sample Site: Pretreatment Unit	If Other (Specify):



**City of San Leandro  
Environmental Services**

Entered: 1/25/01 By: DRD  
Updated: 10/18/10 By: kbusche

Total CUPA Programs: 1

**New Record**

**Facility Information**

Insp. Freq. <input type="radio"/> Annual	Name: C & S Auto Restoration	Facility ID: 100001
Address: 2375 139th Av Ste C		Phone: 357-7140
CSZ: San Leandro CA 94578		Status: Inactive
Assigned Specialist: Treece		Closed On: 10/1/08
Facility Contact: Curtis Smith Title: Owner		CUPA Facility: No
CUPA Phone: 357-7140 Fax:		PT Contact:
Business Type: Auto Paint/Body Repair		PT Phone: 357-7140
SIC Code: 7532 Other SIC Codes:		APN: 077B122500505
AR CUPA #: 14005 AR Lab #:	Utility PT #:	CUPA Fees Waived: <input type="radio"/> Yes <input checked="" type="radio"/> No
AR SVC:	AR SUR:	C3h Active: <input type="radio"/> Yes <input checked="" type="radio"/> No

Name: Gardco Manufacturing	Facility ID: 100025
Address: 958 Aladdin Av	Phone: 357-6900
Assigned Specialist: Denis	Status: Inactive
CUPA Contact: Bill Snook, Industrial Engineer	CUPA Facility: No

**Storm Water**

- ☐ Air Quality  
☐ Small Qty/HMBP Registration  
☐ Hazmat Business Plan  
☐ Hazmat Waste Generator  
☒ Other
- ☐ Underground Storage Tanks  
☐ Above Ground Storage Tanks  
☐ Retail Food Facility  
☐ Pretreatment

Is the facility covered under a Storm Water Permit?

- ☐ Does not need coverage  
☐ No, but may need to be (Refer to Regional Board)  
☐ Individual  
☒ General

Does the facility have a SWPPP? ☐ Yes ☒ No

Maintenance required in ☐ Yes ☒ No

Storm Drain System?

Facility has closed: ☒ Yes ☐ No

Storm Water Inspection  
☒ Yes ☐ No

Overall Status: Inactive

Closed On: 2/2/06

SW Facility ID: SAN1000499

SW Status: Inactive

Inactive  
as of:

NOI Filed: Yes

High Priority: ☐ Yes ☒ No

**Storm Water  
Inspection Detail**

Facility ID: SAN1000498

SWPPP? ☒ Yes ☐ No

Reason: ☐ First Inspection  
☒ Routine Inspection  
☐ Response to Complaint  
☐ Follow-up Inspection

Facility Has Closed ☐  
Structural Controls Present ☐

Name: USF Reddaway

Date: 7/29/10

Time (Hour): 0900

Inspector: Denis

No. of BMP brochures  
dist. and description:

Req. Cor.  
Action

Areas of Activity Potential  
Darken if Applicable Rating BMP PEX NSW Remarks

<input checked="" type="radio"/> A. Outdoor Process	2	1	<input type="radio"/>	<input type="radio"/>	The UST monitoring system certification went well with only one violation. -	<input type="radio"/>
<input checked="" type="radio"/> B. Outdoor Material	2	0	<input type="radio"/>	<input type="radio"/>	No changes. See previous.	<input type="radio"/>
<input checked="" type="radio"/> C. Outdoor Waste	2	0	<input type="radio"/>	<input type="radio"/>	The garbage and scrap metal bins had some overhead protection this year.	<input type="radio"/>
<input checked="" type="radio"/> D. Outdoor Veh/Eqpt	2	1	<input type="radio"/>	<input type="radio"/>	Almost all maintenance is done indoors.	<input type="radio"/>
<input checked="" type="radio"/> E. Outdoor Parking	2	2	<input type="radio"/>	<input type="radio"/>	Their lot was noticeably messier this year than in the past. They had been -	<input checked="" type="radio"/>
<input checked="" type="radio"/> F. Outdoor Wash	2	1	<input type="radio"/>	<input type="radio"/>	They are going to increase the schedule of interceptor servicing - a corporate -	<input type="radio"/>
<input type="radio"/> G. Rooftop Eqpt			<input type="radio"/>	<input type="radio"/>		<input type="radio"/>
<input type="radio"/> H. Outdoor Drainage			<input type="radio"/>	<input type="radio"/>		<input type="radio"/>
<input type="radio"/> I. Other			<input type="radio"/>	<input type="radio"/>		<input type="radio"/>

Comments: (Full Screen) Facility Info has Changed: ☐ Referred To:

(A) This violation did not effect storm water potential. The fueling area is not covered, but the surrounding area was relatively free of staining.  
(E) very slow for the past year, but their business has picked up greatly in the past year. There was a significant amount of

1st Date: 8/4/10

Findings: All items

2nd Date:

Findings:

Reinspection ☒ First  
Priority: ☐ Second  
☐ Third

Maint. req. in  
Storm Drain  
System? ☐ Yes  
☒ No

☐ Verbal Notice

☒ Warning Notice

☐ Informal Violation

☐ Formal Violation

☐ Legal Action

☐ Admin Action

☐ Admin Penalty

[illegible]

**Enforcement Response Plan for the Municipal Stormwater Program  
Construction Site Control, Section C.6  
City of San Leandro  
Engineering and Transportation Department**

**February 2011**

**Description and Purpose of Enforcement Response Plan**

This enforcement response plan (ERP) provides guidance to inspection staff working with contractors to achieve effective and timely compliance with the City's stormwater ordinance and the municipal regional stormwater permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board (Water Board). This ERP was developed to comply with the following sections of the MRP:

- Construction Site Control Provision C.6.b

The selection of an appropriate enforcement action and the escalation of enforcement are based on the seriousness of the violation and the violator's response to the City's previous attempts to achieve compliance. The ERP includes suggested amounts of time to allow for the correction of violations based on the goal stated in the MRP<sup>1</sup>. The nature of a specific violation may require tailoring of the timeframes for correction and/or the use of temporary measures to promptly address a violation before a permanent solution may be implemented. As required by the MRP, this ERP also describes when it may be appropriate to refer violations to another agency, such as the Water Board, for additional enforcement.

The City of San Leandro (City) has authority to enforce municipal stormwater control requirements under the following sections of the San Leandro Municipal Code (SLMC):

Chapter 3-15 STORM WATER MANAGEMENT AND DISCHARGE CONTROL

Chapter 3-18 ENVIRONMENTAL ENFORCEMENT

Chapter 7-12 GRADING, EXCAVATIONS AND FILLS

Chapter 1-12 CITATION – VIOLATIONS

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<sup>1</sup> The MRP states that violations must be corrected in a timely manner with a goal of correction before the next rain event, but not longer than 10 business days after discovery unless agency staff document reasons why a longer period is needed in the agency's database or equivalent

<i>Type of Enforcement</i>		<i>Section</i>
<b><i>Administrative Penalties / Cost Recovery</i></b>	<i>Damage to City Facilities Falsifying information Site Inspection Fines Sampling Fines Misdemeanor Code Fines Infractions Code Fines</i>	<i>§3-18-160 San Leandro Municipal Code §3-18-115 San Leandro Municipal Code §6.4.100 San Leandro Administrative Code §6.4.100 San Leandro Administrative Code §1-12-200 San Leandro Municipal Code §1-12-410 San Leandro Municipal Code</i>
<b><i>Administrative Remedies</i></b>	<i>Illicit Discharge prohibition Illicit Connection prohibition Reduction of Pollutants in SW BMP compliance Cease and Desist Order Emergency Correction Submission of Compliance Schedules Public Nuisance Appeals Permit – Revocation Abatement</i>	<i>§3-15-200 San Leandro Municipal Code §3-15-210 San Leandro Municipal Code §3-15-215 San Leandro Municipal Code §3-15-215(d) San Leandro Municipal Code §3-18-150 San Leandro Municipal Code §3-18-140 San Leandro Municipal Code §3-18-130 San Leandro Municipal Code §3-18-135 San Leandro Municipal Code §3-18-170 San Leandro Municipal Code  §7-12-700 San Leandro Municipal Code §7-12-800 San Leandro Municipal Code</i>
<b><i>Citation</i></b>	<i>Administrative Citation Criminal Citation Misdemeanors Violations of this Article – Enforcement by Citation Method</i>	<i>§1-12-400 San Leandro Municipal Code §3-18-185 San Leandro Municipal Code §3-18-200 San Leandro Municipal Code §7-12-900 San Leandro Municipal Code</i>
<b><i>Administrative Order Hearing</i></b>	<i>Civil liability judgment &amp; order</i>	<i>§3-18-205 - 220 San Leandro Municipal Code</i>
<b><i>Civil and Criminal Penalties</i></b>		<i>§3-18-170; §54740 California Govt Code</i>

## Types of Enforcement Actions and Their Use

The Engineering and Transportation Department has a goal of visiting every active construction site weekly during the wet season. The MRP requires that at least one inspection each month be documented for the following sites: Disturbing over 1 acre, working on a hillside, working adjacent to a creek. Inspectors are to use the Construction BMP checklist for documenting inspections and are to record the date of all violations and their resolution on the form.

This ERP describes a range of enforcement options available for use to encourage prompt correction of violations and the prevention of conditions that pose a threat to cause future violations. There are administrative and judicial (civil and criminal) remedies in the stormwater ordinance and other parts of the SLMC that provide a range of discretionary options for responding to violation. The appropriate response depends on the magnitude of the violation, the duration and history of non-compliance, the good faith efforts of the violator to achieve compliance, and whether the violation may interfere with the agency's compliance with the MRP. The following table lists and describes available enforcement actions, provides examples of their use, and lists suggested time schedules for compliance.

## Enforcement Actions Overview

Level	Issue	Examples	Action	Time for correction	Authority
1	Conditions that are not in compliance with the permit but are not causing an illicit discharge.	<ol style="list-style-type: none"> <li>1. No erosion control plan.</li> <li>2. No erosion control materials/supplies on site.</li> <li>3. Failure to implement erosion control plan during wet weather or prior to forecast of rain – could include unprotected inlets, uncovered material piles, construction entrances without rock, failure to install hydro seed, or other items.</li> <li>4. Maintenance needed on erosion control measures such as cleaning of silt from inlet protection, staking of wattles, or street sweeping.</li> <li>5. Tracking of dirt onto roadway</li> </ol>	Verbal Warning	Variable, one to seven days to be determined by the inspector.	SLMC 7-12-305
2	Failure to correct level 1 issue or any evidence of erosion	<ol style="list-style-type: none"> <li>1. Erosion control measures circumvented by storm water.</li> <li>2. Erosion control measures ineffective.</li> </ol>	Written Warning, i.e. Notice of Non-compliance	Variable, two to seven days to be determined by the inspector.	SLMC 3-15-215
3	Failure to correct level 2 item or major lapse in erosion control	<i>Note that this level does not apply to paperwork related items, those skip level 3 and go right to level 4</i>	Clean and abate order	No longer than 10 days and before the next rain	SLMC 3-18-155
4	Failure to correct level 3 issue		Cease and desist order	No longer than 7 days	SLMC 3-18-150

<b>Level</b>	<b>Issue</b>	<b>Examples</b>	<b>Action</b>	<b>Time for correction</b>	<b>Authority</b>
<b>5</b>	Failure to correct level 4 issue		<ol style="list-style-type: none"> <li>1. Issue NOV with penalty.</li> <li>2. Inform outside agencies.</li> </ol>	Schedule hearing within 15 days	SLMC 1-12-410
<b>6</b>	Failure to correct level 5 issue		Administrative Order leading to significant fines		SLMC 3-18-205 to 220



## **Escalation of Enforcement Actions**

This ERP incorporates a progressive enforcement response policy that is designed to maintain a fair and equitable system for enforcement to ensure that enforcement actions are proportionate to the violations, to provide maximum flexibility and effectiveness of enforcement actions, and to provide a system of escalating enforcement actions to encourage prompt compliance. The stormwater ordinance and other municipal codes allow for a degree of enforcement flexibility and a range of enforcement options that are needed to most efficiently gain compliance. An enforcement action may be upgraded or escalated depending on the circumstances of the case.

## **Roles and Responsibilities**

This section describes the duties of agency staff that are responsible for implementing enforcement actions described in this ERP. All staff listed in this table are members of the Engineering and Transportation Department

<b>Position</b>	<b>Duties</b>
Engineering Inspector	Inspect site  Take level 1 and 2 action
Senior Engineer, Land Division	Take level 3, 4, and 5 action
Principal Engineer	Take level 6 action

## **Joint Compliance Inspections**

In some situations it is appropriate to have joint compliance inspections with other agencies because the nature of the violation or because the violations are ongoing or repeated violations and may benefit from the enforcement options provided by other environmental statutes. Using the results of a joint compliance inspection, the regulatory agencies will be able to decide how to most efficiently achieve compliance.

Violations adjacent to the Bay – BCDC

Violations in waterways – Alameda County Flood Control District

## **Referral to Other Agencies**

The MRP states that where enforcement tools are inadequate, the violations should be referred to the Regional Water Board, district attorney, or other relevant agencies for additional enforcement. The legal enforcement action may include referral to the Alameda County District Attorney Environmental Crimes Unit. Referrals may also be made to the California Department of Fish and Game and possibly to the U.S. Environmental Protection Agency, if the Regional Water Board staff is unable to provide effective assistance. The Senior Engineer should consult with the Environmental Services Division of the public works department for guidance on which other agencies should be contacted.